

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Charisius et al.

Patent: 7,810,069

Issued: October 5, 2010

Application Serial No.: 09/839,526

Filing Date: April 20, 2001

For: METHODS AND SYSTEMS FOR
RELATING DATA STRUCTURES AND
OBJECT-ORIENTED ELEMENTS FOR
DISTRIBUTED COMPUTING

Examiner: Mitchell, Jason D.

Group Art Unit: 2193

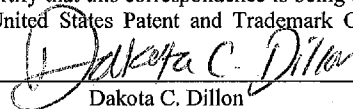
Date: November 5, 2010

Atty. Docket No.: BOR-006

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being deposited via EFS-Web with the United States Patent and Trademark Office on November 5, 2010.

Signed: _____


Dakota C. Dillon

Request for Reconsideration of Patent Term Adjustment Determination
Under 37 CFR § 1.705(d)

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam.:

The above patent issued on October 5, 2010. This request for reconsideration of patent term adjustment is being filed within two months of the date the patent issued. This request for reconsideration raises no issues that either were raised or could have been raised in an application for patent term adjustment under 37 CFR § 1.705(b).

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The issued patent indicated a patent term adjustment of 1311 days. However, the issued patent failed to indicate a properly revised patent term adjustment.

As required by 37 CFR § 1.705(b), this request for reconsideration includes:

(1) The fee set forth in §1.18(e)

The fee of \$200 is being submitted with this request through EFS-Web.

(2) A statement of facts involved, specifying:

(i) The correct patent term adjustment and the basis or bases under § 1.702 for the adjustment

The adjustment due to § 1.702(a)(1) is 715 days

The adjustment due to § 1.702(a)(2) is 439 days

The adjustment due to § 1.702(a)(4) is 21 days

The adjustment due to § 1.702(b) is 485 days

The total adjustments under § 1.702 is 1660 days

The period of adjustment is reduced under § 1.704 by 276 days

The correct patent term adjustment is 1384 days

(ii) The relevant dates as specified in §§ 1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled

The application was filed on April 20, 2001. June 21, 2002, is fourteen months and a day after the application was filed. The first office action was issued 715 days later, on June 4, 2004.

A response was filed on November 30, 2004. March 31, 2005, is four months and a day after the response was filed. An office action was issued 350 days later, on March 15, 2006.

A response was filed on February 28, 2007. June 29, 2007, is four months and a day after the response was filed. An office action was issued 89 days later, on September 25, 2007.

The issue fee was paid on June 15, 2010. October 16, 2010, is four months and a day after the issue fee was paid. The patent issued 21 days later, on November 5, 2010.

The application was filed on April 20, 2001. April 21, 2004, is three years and a day after the application was filed. A request for continued examination was filed 880 days later, on September 18, 2006.

The 45 day period beginning on April 21, 2004 and ending on June 4, 2004, is overlapping.

The 350 day period beginning on March 31, 2005 and ending on March 15, 2006 is overlapping.

(iii) Whether the patent is subject to a terminal disclaimer and any expiration date specified in the terminal disclaimer

No terminal disclaimer

(iv)(A) Any circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704; or (B) That there were no

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circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

On November 30, 2004, a response was filed 87 days after the shortened statutory period for response.

On January 11, 2005, an information disclosure statement was filed 42 days after the November 30, 2004, response.

On September 18, 2006, a request for continued examination was filed 95 days after the shortened statutory period for response.

On March 11, 2009, a response was filed 43 days after the shortened statutory period for response.

A notice of allowance was issued on March 15, 2010. On May 6, 2010, the Publishing Division of the Office of Data Management issued a notice to file corrected application papers. The applicant fully responded to the notice in a timely manner on August 6, 2010. On August 10, 2010, the Publishing Division of the Office of Data Management issued yet another notice to file corrected application papers, raising new issues that were not raised in the first notice. August 10, 2010, is "the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper" pursuant to section §1.704(c)(10)(i). Accordingly, there were only 5 days of applicant delay.

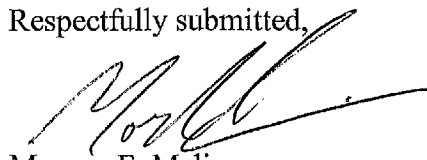
After the second notice on August 10, 2010, the applicant fully responded in a timely manner on August 27, 2010, making only amendments necessitated by the second notice. On August 30, 2010, the Patent and Trademark Office issued a Response to Rule 312 Communication. Accordingly, there were only 4 days of applicant delay.

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Conclusion

Should the Office of Petitions believe that a telephone conference would expedite this request for reconsideration of patent term adjustment under 37 CFR § 1.705(d), the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Morgan E. Malino', with a long horizontal flourish extending to the right.

Morgan E. Malino
Reg. No. 41,177

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